

## **Special Education Advisory Panel Meeting Minutes**

Office of Public Instruction

1300 11th Avenue Conference Room, Helena

January 17-18, 2008

Members in Attendance: Barb Rolf, Sharon Lindstrom, Ken Miller, Carroll DeCouteau, Terry Galle, Jackie Emerson, Susan Gunn, Denise Herman, Dave Mahon (Friday), Coral Beck, Samantha Hendricks, Wanda Grinde, Jackie Emerson

Excused Members: Dave Mahon (Thursday), Terry Teichrow, Ron Fuller

Non-Members in Attendance: Tim Harris, Bob Runkel, Dick Trerise, Marilyn Pearson, Francisco Román, Sara Casey, Anne Rainey, Lisa Smith, Jenine Synness, Rebecca Wiegand, LaDawn Whiteside, Marlene Wallis, Floy Scott

### **Thursday, January 17, 2008**

Chairperson Barb Rolf called the meeting to order at 8:30 a.m. The Panel members and guests introduced themselves. Chairperson Rolf requested that the Panel members review the Proposed Agenda. Following review of the Proposed Agenda, Ken Miller moved to accept the Proposed Agenda, Terry Galle seconded the motion and the motion passed. The November 1-2, 2007, meeting minutes were reviewed and Sharon Lindstrom moved to accept the minutes and Susan Gunn seconded the motion. The motion passed and the minutes were approved as written.

### **OPI Report**

#### **AIM**

Bob Runkel provided a progress report on the Achievement in Montana (AIM) electronic student information system. He said that AIM is the single largest OPI endeavor to establish statewide system of data collection. The OPI has contracted with the education software vendor, Infinite Campus, to provide these services. Bob said that the volume of required data collections has increased dramatically since No Child Left Behind (NCLB) and the reauthorization of IDEA. The OPI has begun collecting data through AIM. The process is complex because some schools have their own electronic student information system supplied by other vendors and it is not always easy to transfer files from one system to another.

Bob indicated that he did not know of any other state that had a statewide system of collecting special education data directly from students' special education records. Bob, Sara Casey, Dave Nagel and Donna O'Neill attended a meeting in Rapid City, South Dakota. Representatives from Montana, South Dakota, Kentucky and the Bureau of Indian Education attended the meeting. These states all contract with Infinite Campus to provide statewide data collection and data management services. Montana organized the meeting for the purpose of identifying common data collection needs across states and to determine whether states (if working together to identify common needs) could influence the contractor to provide increased quality of services to the states. Bob felt it was a productive meeting and the four states plan to meet again in four or five months.

Bob noted that we are behind schedule in Special Education component of AIM because of the long list of improvements needed before Special Education can use the system. The next step

will require the system to be pilot tested in schools (probably late April). Full release of the Special Education portion of the system is scheduled for August 1, 2008. There will be training across the state in early August.

### OPI and Division News

Tim Harris introduced Lisa Smith, IDEA Data and Accountability Specialist. Lisa came to the Division of Special Education from the OPI Personnel Office. He also announced that Mary Gallagher will begin her position as the Early Assistance Program Director next week. She will provide assistance for suspension/expulsion, parent/school inquiries prior to formal complaint, Early Assistance Program (EAP), and Section 504 questions. Tim noted that Mary has great mediation skills.

Tim informed the Panel that Francisco Román has changed roles in the Division of Special Education. Francisco previously held the position of Deaf-Blind Specialist; Francisco accepted the position of Monitoring Specialist. The position of Deaf-Blind Specialist will be contracted outside the OPI. Francisco is still providing limited services to students with Deaf-Blindness.

Tim told the Panel that the Part B Manager position will be advertised early in March.

Tim informed the Panel that Response to Intervention (RTI) is a hot subject nationwide. The RTI process provides other ways to assist students who are struggling. The Council of Chief State School Officers (CCSSO) put on a summit that five OPI members attended.

Bob Runkel told the Panel members that Congressional Action provides an increase of 1.4 percent in federal Part B funds. He also noted that we will be reading about budget cuts in a number of federal education programs.

Tim also told the Panel members that nearly \$11.79 million has been allocated for Special Olympics. He does not know how to access the funds.

Bob Runkel discussed the Highly Qualified Teacher (HQT) issues facing Special Education. The No Child Left Behind (NCLB) requires states to adopt standards for HQT. Teachers teaching Special Education must be determined to be subject matter "qualified" in all core academic subject areas that they teach.

### Bylaws

Bob Runkel distributed a draft copy of the revised Panel Bylaws. He noted that the approval of the revised Panel Bylaws requires an action by the Panel. Chairperson Barb Rolf requested that the Panel members review the revised draft of the Bylaws during the evening. If there are any questions regarding the Bylaws, the questions can be brought before the Panel on Friday, prior to any action taken by the Panel regarding the Bylaws. Bob informed the Panel members that Section B of the Bylaws is new.

### State Performance Plan and Annual Performance Report for 2006-2007

Data for each of the performance indicators, current and proposed improvement strategies, proposed new targets and proposed revisions to the State Performance Plan were discussed with

the Advisory Panel. Panel Members were given a copy of the PowerPoint presentation to follow during Floy Scott's portion of presentation.

#### Indicator 1—Graduation Rates

The Completion Rate is a cohort method to measure the proportion of students who, at some point in time, completed high school. The Special Education graduate count for FFY 2006 is 879 with a completion rate of 68.9 percent; therefore, Montana met its performance target for Indicator 1, within a 95 percent confidence interval.

Improvement activities, as well as proposed revisions to the improvement activities for this indicator and indicator #2 Dropout Rates, were discussed. Proposed revisions did not change the original intent of the improvement strategies, but made them more inclusive of all of the improvement activities which are currently implemented statewide as a means of improving graduation rates. Although Montana met its state's performance target, seven districts did not meet the state's target. The CSPD regional training activities and the State Personnel Grant activities are heavily invested in providing professional development activities to improve outcomes.

#### Indicator 2—Dropout Rates

The dropout rate is considered a dropout rate for all youth within the district that have dropped out of school. It is a status count in which the student's status at the end of the reporting year is used to determine whether that student is a dropout. Special Education dropout count is 352 with a dropout rate of 5.6 percent; therefore, Montana has met its performance target for this indicator, within a 95 percent confidence interval.

#### Indicator 3A: AYP Objectives

A total of 56 Montana school districts have a minimum N of 40 for the disability subgroup. Fifty percent of the districts met the AYP objectives for progress for students with disabilities. The SPP Performance Target of 39 percent is within the upper and lower limits of the confidence interval; therefore, Montana has met its performance target for this indicator.

Improvement activities were discussed, as well as the need for revisions to 2005-2006 data for 3A. Revisions to the data were necessary because at the time the 2005-2006 data was submitted, it was preliminary and not final data.

#### Indicator 3B: Participation Rates

There are 18,585 students with disabilities that participated in Reading and Math assessments for the 2006-2007 school year; 97.4 percent of those districts met the AYP objectives for progress for students with disabilities; therefore, Montana met its performance target for this indicator, within a 95 percent confidence interval.

There was discussion of the need to revise the targets for 3B to align them with the targets under NCLB and to avoid the confusion that currently exists because NCLB has different participation targets than does the State Performance Plan.

### Indicator 3C: Proficiency Rates

There are 6,355 students with disabilities that tested proficient or above on state assessments for the 2006-2007 school year; this resulted in a 33.3 percent proficiency rate; therefore, Montana met its performance target for this indicator, within a 95 percent confidence interval.

Improvement activities and proposed revisions to improvement activities for improving proficiency rates were discussed. There was additional discussion regarding the pilot activities for the modified assessment.

### Indicator 4A: Long-term Suspension and Expulsion Rates

Fifty-one out of 425 school districts reported long-term suspension and expulsions for students with disabilities. None of those districts were identified as having a significant discrepancy; therefore, Montana met its performance target for this indicator.

Discussion was held regarding OSEP's requirement that Montana revise its methodology of identifying significant discrepancy. Also discussed was the need to revise the targets for the performance indicator since the methodology for identification and the performance targets should be aligned.

### Indicator 5: Education Environment, Ages 6-21

Forty-nine percent of students with disabilities are removed from the regular classroom for less than 21 percent of the school day; 12.2 percent of students with disabilities are removed from the regular classroom for greater than 60 percent of the school day; 1.3 percent of students with disabilities receive special education and related services in separate facilities; therefore, Montana met its performance targets for these indicators, within a 95 percent confidence interval.

Improvement activities were discussed and no revisions were proposed. It was noted that there has been a statewide increase in the number of students with more severe disabilities. The IEP team decisions must continue to be based on the individual needs of the student and not based on a state's target for placement. Monitoring teams have not found any districts out of compliance with the LRE requirement.

### Indicator 7: Preschool Outcomes

There are two sets of data collected each year:

- Entry-level data for students reported for the first time on Child Count (initial IEP), reported on the December 1 Child Count.
- Exit-level data for preschool students with entry-level data six months prior to exiting, reported on the June 30 exiting count.

Progress data provide information on how children, ages 3-5, change from entry into a preschool program to when they exit.

Measurement calculations include the number of preschool children with IEPs in which both entry and exit data were reported and the child was in the preschool program for at least six months.

Discussion was held regarding need to revise procedures to ensure that IEP teams use the same criteria for making determinations. Revised procedures and improvement activities will be included in the State Performance Plan.

#### Indicator 8: Parent Involvement

There were 533 parent respondents for the 2006-2007 school year; 68.9 percent reported facilitation of parent involvement; the SPP Performance Target was 65.5 percent; therefore, Montana met its performance target for this indicator.

Discussion held: No revisions will be made to the improvement activities.

#### Indicator 9: Disproportionate Representation

Given a minimum N of 10, a statistically significant difference in the proportion of students with disabilities of a specific racial/ethnic group receiving special education and related services compared to the proportion of students with disabilities in all other racial/ethnic groups receiving special education and related services in that LEA, within a 99 percent confidence interval.

Of 427 school districts, 0 percent was identified as having disproportionate representation due to inappropriate procedures; therefore, Montana met its performance target.

Refer to the discussion under performance indicator #10 below. Districts found to have disproportionate representation were reviewed and found to have appropriate policies, procedures and practices. We met the 100 percent compliance requirement.

#### Indicator 10: Disproportionate Representation

Given a minimum N of 10, a statistically significant difference in the proportion of students with disabilities of racial and ethnic groups in specific disabilities categories receiving special education and related services compared to the proportion of students with disabilities in all other racial/ethnic groups receiving special education and related services in that LEA, within a 99 percent confidence interval.

Of 427 school districts, 0 percent was identified as having disproportionate representation due to inappropriate identifications procedures; therefore, Montana met its performance status.

Discussion held: Based on new guidance from OSEP, the definition for disproportionate representation and the language in the targets in both indicators 9 and 10 were revised. There was concern expressed regarding the unintended consequences that could arise as a result of a district having been found to have disproportionate representation, even though it has been found to have appropriate policies, practices and procedures. A 100 percent compliance was achieved.

#### Indicator 11: Evaluations Within 60-Day Timeline

Out of 260 referrals, 85.4 percent of children with parent consent were evaluated within 60 days. The established state performance target is 100 percent; therefore, Montana did not meet its performance target.

Discussion held: This indicator requires 100 percent compliance. Montana did not meet its target. It was found that four of the 86 districts monitored for compliance accounted for the majority of the delays in addressing the 60-day timeline. Each of the four districts was issued a corrective with timelines given for correction of their practices. Revisions to the language in the performance targets were made to comply with OSEP instructions.

#### Indicator 12: Part C to Part B Transition

We do not have all the data for this indicator. Preliminary figures indicate that 58 percent of children referred by Part C to Part B for eligibility determination are found eligible for Part B and have an IEP developed and implemented by their third birthday.

Discussion held: It was explained that the OPI in collaboration with the Part C program developed a new data collection procedure for this indicator. Data was still being collected and verified at the time of the Advisory Panel meeting. There are many factors which affect this indicator. Many parents want to wait for the beginning of the school year prior to having an IEP developed or do not want an evaluation conducted until a later time after a referral is made to the district.

#### Indicator 13: Post-Secondary Transition

Of 66 records reviewed, 63.6 percent of the IEPs had coordinated, measurable, annual IEP goals. The state performance target is 100 percent; therefore, Montana did not meet its performance target.

Discussion held: Data collected for this indicator comes from compliance monitoring which is conducted on a five-year monitoring cycle. In order to achieve compliance with this requirement, the district has to demonstrate it met the documentation standards for all elements of the IEP requirements for post-school transition. Usually the district has documented transition in the IEP. However, it has not met the documentation requirements for demonstrating compliance. It is anticipated that implementation of the new electronic reporting system will lead to 100 percent compliance. In the meantime, identified improvement activities should lead to improved statewide performance.

#### Indicator 14: Post-Secondary Outcomes

This is baseline data to be reported in the State Performance Plan; Targets need to be established.

Discussion held. The Advisory Panel established targets for this indicator.

#### Indicator 15: General Supervision

Of 140 findings of noncompliance, 97.9 percent were corrected within a one-year timeline. The state performance target is 100 percent; therefore, Montana did not meet its performance target.

Discussion held: It is anticipated that the state will achieve 100 percent compliance with the one-year timeline correct in the 2007-2008 school year.

Indicators 16-17: Written Complaints and Hearing Timelines

Indicator 18: Resolution Session Settlement Agreements

No baseline data.

Indicator 19: Mediation Agreements

No baseline data.

Indicator 20: State-Reported Data Timelines

All data in on time. Submitted to OSEP four days late; change in personnel.

#### Public Comment

There was no public comment.

#### Action Items

Following review of the revised Bylaws, Coral Beck moved to accept the revised Bylaws, Terry Teichrow seconded the motion and the motion passed.

Dave Mahon moved to support Montana's Annual Performance Report and the revisions to the State Performance Plan, Coral Beck seconded the motion and the motion passed.

#### Agenda Items

Joint Meeting with CSPD  
Report from the Higher Education Consortium  
OPI Report  
Highly Qualified

The next meeting is scheduled for April 24-25, 2008.

#### Adjourn

Terry Teichrow moved to adjourn the meeting, Denise Herman seconded the motion and the motion passed. The meeting adjourned at Noon.